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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

SANTANA KELLY,

Defendant and Appellant.

B265838

(Los Angeles County
Super. Ct. No. YA050993)

APPEAL from a judgment of the Superior Court of Los Angeles County. Scott T. Millington, Judge. Affirmed.

Dee A. Hayashi, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

In 2002 Santana Kelly was convicted of evading a police officer (Veh. Code, § 2800.2, subd. (a)), a felony. In March of 2015, he filed a petition to recall his sentence pursuant to Penal Code section 1170.18, enacted as part of Proposition 47. The trial court denied that petition, noting that defendant's commitment offense was ineligible for relief under Proposition 47.

Defendant appealed and we appointed counsel to represent him on appeal. After examination of the record, counsel filed an opening brief raising no issues and asking this court to independently review the record. On November 18, 2015, we advised defendant he had 30 days within which to personally submit any contentions or issues he wished us to consider. To date, we have received no response.

We have examined the entire record and are satisfied that defendant's attorney has fully complied with her responsibilities and that no arguable issues exist. (*People v. Kelly* (2006) 40 Cal.4th 106, 109–110; *People v. Wende* (1979) 25 Cal.3d 436, 441.) Eligibility for resentencing under Penal Code section 1170.18 is limited to convictions for the offenses specified therein, in subdivision (a). Defendant's commitment offense is not within the scope of that section.

DISPOSITION

The judgment is affirmed.

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LUI, J.

We concur:

ROTHSCHILD, P. J.

JOHNSON, J.